

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

May 14, 2008

No. 07-30949
Summary Calendar

Charles R. Fulbruge III
Clerk

GEORGE A. BYNUM, JR.

Plaintiff-Appellant

v.

FEDERAL BUREAU OF PRISONS

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:07-CV-915

Before HIGGINBOTHAM, STEWART, and OWEN, Circuit Judges.

PER CURIAM:*

George Bynum, Jr., federal prisoner # 06013-078, appeals the 28 U.S.C. §§ 1915A and 1915(e)(2)(B) dismissal of his civil rights lawsuit as frivolous and for failure to state a claim. The magistrate judge construed his complaint as raising claims pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*,¹ and recommended dismissal. Bynum filed

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

¹403 U.S. 388 (1971).

objections. The district court rejected Bynum's objections, and dismissed Bynum's claims for the reasons given by the magistrate.

We address our jurisdiction *sua sponte*.² By our reading of the pleadings, Bynum asserted a Federal Tort Claims Act claim. We note also that Bynum filed administrative claims for FTCA relief, and that the Government offered to settle those claims. The magistrate did not address the FTCA claims, nor did the district court who relied upon the magistrate's recommendations. This loose string strips the judgment of the required finality.³ Accordingly, we dismiss the appeal, leaving Bynum's FTCA claims in the district court's hands.

DISMISSED.

²See *Sobranes Recovery Pool I LLC v. Todd & Hughes Constr. Corp.*, 509 F.3d 216, 219 (5th Cir. 2007).

³See 28 U.S.C. § 1291.